
**DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE FOR FAMILY INDEPENDENCE
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) RULES**

Administration Procedures

Replacement of Benefits

Section 777-4

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1. GENERAL RULE

SNAP benefits reported as not issued to the individual's EBT Account are replaced only if the error is reported in the period of intended use. The period of intended use of regular monthly allotments is the month of issuance and the next 11 months.

2. PROCEDURES FOR REPLACING BENEFITS USED TO PURCHASE FOOD THAT WAS DESTROYED

Benefits used to purchase food can only be replaced when the food has been destroyed due to a household misfortune, such as but not limited to fire or flood, or special disaster declaration by the Secretary of Agriculture. The household must report the loss within ten days of the destruction.

- A. The household must complete the SNAP Loss and Replacement Request form within 10 days of the initial report of the loss.
- B. The disaster must be verified and documented.
- C. The Department shall issue a replacement allotment not to exceed the lesser of the value of the food destroyed or one month's benefit within ten days of receiving the form and the verification.

3. PROCEDURES FOR REPLACING BENEFITS STOLEN ELECTRONICALLY

Benefits used unlawfully for non-household members can only be replaced when the benefits were accessed to perpetrate card skimming, card cloning, phishing or other electronic acquisition of the EBT card number and PIN.

- A. The household must submit an Electronically Stolen Benefits Application (ESBA) timely.
 - (1) Claims for benefits stolen electronically on or after October 9, 2023, are timely if they are received within 30 days of the benefits being used.
 - (2) Claims for benefits stolen on or after October 1, 2022 but before October 9, 2023, are timely if received by November 8, 2023.
 - (3) Benefits stolen before October 1, 2022, are not eligible for replacement.
- B. The completed ESBA shall include:
 - (1) the following information about the claimant
 - (a) their first and last name,
 - (b) their ACES ID# (or if the claim is being made by an authorized representative, the ACES ID# of the individual they are representing),

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- (c) another unique identifier, either
 - (i) the last four digits of their social security number or
 - (ii) their USCIS #,
 - (d) their address, and
 - (e) their telephone number;
- (2) The following information about the theft of benefits (food purchase)
- (a) the date of the theft,
 - (b) the amount of the theft,
 - (c) the location of the theft, and
 - (d) the location of the EBT Card at the time of the theft;
- (3) the current location of the EBT Card; and
- (4) to the best of the claimant's ability a narrative description of how the card number and PIN were acquired by the thief.
- C. ESBA's can be submitted in person at any Office for Family Independence office, by mail, by e-mail, or by uploading them to the Office's online portal.
- D. The Department shall process all ESBA's and issue a written determination (consistent with section 777-5) and replacement benefits, if applicable, within ten days of receipt of the Application.
- (1) The Department shall use readily available data and other sources of information that will not delay the determination. Claim validation is solely at the discretion of the Department.
 - (2) The household may request a hearing on the decision consistent with Section 777-1. The Department's decision stands unless and until overturned by the hearings officer.
- E. The Department shall investigate all reports of fraudulent EBT usage even if the report is not eligible for replacement.
- F. Replacement benefits cannot exceed the lesser of the amount stolen or the total amount issued in the two months preceding the theft.
- G. No household may receive replacement of stolen benefits more than two times in any federal fiscal year.

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A.

ADEQUATE NOTICE: Written notice that includes the action the Department intends to take, the reason for the action, the right to request a fair hearing, the person to contact for additional information, the availability of continued benefits and liability for such benefits if found ineligible in hearing decision, and the availability of free legal services.

ADVANCE NOTICE: An adequate notice mailed at least 12 days prior to the effective date of the action except when the action is the result of a computer-to-computer match with BEERS or IRS records. In the latter instance, the notice must be mailed at least 30 days prior to the effective date of the action.

ADVERSE ACTION: Determination to close, suspend or reduce benefits.

ALIEN: See noncitizen.

APPLICANT: The individual for whom benefits are requested. (Also see Head of Household.)

APPLICANT HOUSEHOLD: A household which has not participated for at least one full calendar month.

ASSETS, LIQUID: Anything owned in the form of cash or readily convertible to cash.

ASSETS, NON-LIQUID: Anything owned not readily convertible to cash.

ASSISTANCE GROUP (AG): Members of a Household (Section 111-1) receiving the same SNAP benefit type or included in the calculation there-of.

AUTHORIZED REPRESENTATIVE: A non-household member who is authorized, in writing by the household, to make an application, receive the monthly benefits or purchase food with the SNAP benefits for the household.

AUTHORIZED TO RECEIVE: An individual has been determined eligible for benefits and has been notified of this determination, even if the benefits have been authorized but not received, authorized but not accessed, suspended or recouped, or not paid because they are less than a minimum amount.

B.

BENEFIT: Total amount of SNAP allotment a household is authorized to receive.

BOARDER: An individual to whom a household furnishes meals and/or lodging for compensation.

C.

CARD CLONING: The creation and use of a fraudulent EBT card to unlawfully access benefits from SNAP households' account.

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CARD SKIMMING: Card skimming is when devices are illegally installed on ATMs or point-of-sale (POS) terminals to capture card data or record SNAP households' PINs. Card Skimming may also include fraudulent phone calls or text messaging that mimic official state agency messaging and phishing.

CENTERS FOR THE TREATMENT OF SUBSTANCE USE DISORDERS: Centers, approved by the State, for the treatment of these disorders.

CERTIFICATION PERIOD: Length of time for which eligibility is established.

COLLATERAL CONTACTS: A non-household member who provides information about the household's circumstances.

CORRECTIONAL FACILITY: Any facility that falls under the jurisdiction of the Department of Corrections (DOC) for the purpose of detaining (for 24 hours or more) and/or rehabilitating individuals convicted of a crime or awaiting trial, including those licensed and overseen by DOC, but operated by a county or other entity.

D.

DATE OF APPLICATION:

1. Unless otherwise specified below in 2 and 3, the date of application is the day an application containing the applicant's name and address, signed by either a responsible household member or an authorized representative, is received by the Department or the date the Department receives the telephonic signature.
2. For a resident of a public institution jointly applying for SSI and SNAP benefits prior to leaving the institution, the date of application is the date of release from the institution.
3. For a Maine resident in a state or county correctional facility within Maine, applying for SNAP within 30 days prior to their anticipated release date, and not joining an existing SNAP Household (Section 111-1) upon release, the date of application is the date of release from the facility.

DEPENDENT: A person who relies on another for support and/or care.

DISABLED: (See Individual with a Disability)

DOCUMENTATION: Information, in writing or electronic media, which substantiates the individual's assertion or Department's eligibility decision.

DRUG OR ALCOHOL TREATMENT CENTERS: See centers for the treatment of substance use disorders.

DUPLICATE PARTICIPATION: Receiving SNAP benefits in more than one household during the same month.

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E.

ELDERLY: Being at least 60 years old.

ELDERLY OR DISABLED: A person who meets either the definition of Elderly or an Individual with a Disability.

ELECTRONIC BENEFIT TRANSFER (EBT) CARD: A debit card used by the SNAP benefit recipient to access benefits.

ELIGIBILITY REVIEW: Periodic redetermination of eligibility or ineligibility and benefit level.

EXPEDITED SERVICE: Processing an application in such time as to assure access to the benefit by the fifth calendar day following the date of application.

F.

FLEEING FELON: An individual for whom a federal, state, or local law enforcement officer acting in their official capacity presents an outstanding felony arrest warrant that conforms to one of the following National Crime Information Center Uniform Offense Classification Codes, to the Department to obtain information on the location of and other information about the individual named in the warrant: (A) Escape (4901); (B) Flight to Avoid (prosecution, confinement, etc.) (4902); or (C) Flight-Escape (4999).

FOOD AND NUTRITION SERVICES (FNS): The Division of the Department of Agriculture that administers the Supplemental Nutrition Assistance Program (SNAP).

FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS (FDPIR): The program administered by FNS and locally by either Indian Tribal Organizations or an agency of a State government. Dual participation in SNAP and FDPIR is prohibited.

FOOD SUPPLEMENT PROGRAM (FS): The name by which SNAP benefits within the State of Maine were known prior to July 1, 2021.

FOSTER CARE: Children in the care and custody of the State consistent with 45 C.F.R. § 1305.

G.

GENERAL ASSISTANCE: Cash or another form of assistance financed by State or local funds as part of a program to cover living expenses or other basic needs.

GOOD CAUSE: Valid reasons for noncompliance with certain program requirements.

H.

HEAD OF HOUSEHOLD: That responsible adult household member selected by all adult members of the household. (See Section 111-1 for exception to this definition.)

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HIGHER EDUCATION ACT (TITLE IV): A Federal statute establishing financial assistance to students in post-secondary education. Some examples are: PELL Grants, SEOG, Guaranteed Student Loans, and Work Study.

HOMELESSNESS: Lacking a fixed and regular nighttime residence or having a primary nighttime residence of:

1. a supervised shelter designed to provide temporary accommodations;
2. a halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
3. a temporary accommodation in the residence of another for not more than 90 days; or
4. a place not designed for regular sleeping accommodation for human beings.

"Homeless" does not describe any individual imprisoned or detained pursuant to a State law.

I.

INDIVIDUAL WITH (or who has) A DISABILITY: A household member who—

1. receives disability payments under Social Security or SSI;
2. is a veteran with a non-service connected disability pension;
3. is a veteran with a service connected disability which is rated or paid as total;
4. is a surviving spouse of a veteran and has been determined by VA to be house-bound or in need of aid-and-attendance (A&A);
5. is a surviving child of a veteran and is considered by VA to be permanently incapable of self-support;
6. is a surviving spouse or child of a veteran and is receiving, or approved to receive, VA compensation or pension payments, and would be disabled according to SSA standards;
7. is a recipient of a federal, state, or local public disability pension;
8. is a recipient of railroad retirement disability; or
9. is a recipient of SSI-related Medicaid.

Verification of the above is required.

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INITIAL MONTH: The first month for which a benefit is issued. For households which previously participated it is the first month following at least one month of non-participation and in the case of migrant farm worker households, 30 days of non-participation.

L.

LIVE-IN ATTENDANT: An individual, usually paid, who is needed for medical, housekeeping or child care reasons. They will not be considered household members for SNAP.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP) or (HEAP): A Federal program, authorized under the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35), that provides help with winter energy bills for income-eligible persons. Payments are usually made directly to local utility companies or vendors.

M.

MASS CHANGES: Certain changes imposed by the Federal or State government which may affect the entire caseload or significant portions thereof. Changes may include such items as annual adjustments to income standards, change in deductions, or cost of living adjustments to Temporary Assistance to Needy Families (TANF).

O.

OVERPAYMENT: When a household receives SNAP benefits for which they are not eligible.

P.

PHISHING: Is a fraudulent scheme typically carried out through unsolicited email and/or websites that pose as legitimate sites and lure unsuspecting victims to provide personal financial information. This act results in the collection of information not an item such as an EBT card.

PUBLIC INSTITUTION: A government operated facility in which people live and receive care typically in a confined setting and often without individual consent.

Q.

QUESTIONABLE INFORMATION: Information which is contradictory to other information known to or received by the Department.

R.

REFUSAL TO COOPERATE: When a household has the ability to cooperate, but clearly demonstrates that they will not take required action, even though they are able to do so.

RENEWAL FORM: A notice provided by the Department to the household that must be completed and returned to the Department as part of the required Annual Eligibility Review.

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RESTORATION OF LOST BENEFITS: When a household is granted too few SNAP benefits and the error is caused by the Department, action is taken to restore lost benefits.

ROOMER: An individual renting living space in the household's primary residence. Roomers are distinguished from other renters because they share kitchen facilities with the lessor. Roomers are distinguished from boarders because they do not purchase and prepare the majority of meals with the lessor.

S.

SEPARATE HOUSEHOLD: Individuals sharing common living quarters, but who customarily purchase and prepare meals apart from each other.

SHELTER FOR BATTERED PERSONS: A place of temporary protection and support for persons escaping domestic violence and intimate partner violence of all forms.

SHELTER FOR INDIVIDUALS EXPERIENCING HOMELESSNESS: A building set up to provide for the needs of individuals experiencing homelessness; often including shelter, food, sanitation, and other forms of support.

SIX-MONTH REPORT: An interim report required for some households in the middle of the certification period. Information reported on the six-month report must reflect current household status.

SPONSORED ALIEN: A legal alien who entered the country based on an "Affidavit of Support" (USCIS Form I-134) or similar written agreement executed by a sponsor on behalf of the alien.

SUBSTANCE ABUSE TREATMENT CENTERS: See centers for the treatment of substance use disorders.

T.

THRIFTY FOOD PLAN: The maximum monthly benefit a household can receive. It is based on household size.

TRAFFICKING:

- (1) The buying, selling, stealing, or otherwise effecting an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;
- (2) The exchange of firearms, ammunition, explosives, or controlled substances, as defined in section 802 of title 21, *United States Code*, for SNAP benefits;
- (3) Purchasing a product with SNAP benefits that has a container requiring a return deposit with the intent of obtaining cash by discarding the product and returning the container for the deposit

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amount, intentionally discarding the product, and intentionally returning the container for the deposit amount;

- (4) Purchasing a product with SNAP benefits with the intent of obtaining cash or consideration other than eligible food by reselling the product, and subsequently intentionally reselling the product purchased with SNAP benefits in exchange for cash or consideration other than eligible food;
- (5) Intentionally purchasing products originally purchased with SNAP benefits in exchange for cash or consideration other than eligible food; or
- (6) Attempting to buy, sell, steal or otherwise affect an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone. (7 C.F.R. §271.2).

UNCLEAR INFORMATION: Information provided to the Department that may convey more than one meaning or for which no single meaning can reasonably be ascribed and depending on the actual meaning could result in a different eligibility decision or benefit amount.

V.

VENDOR PAYMENT: A money payment made on behalf of the household by a third party.

VETERAN: As defined in Section 5126(f)(13)(F) of the James M. Inhofe National Defense Authorization Act of 2023, means an individual who served in the United States Armed Forces (such as Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, and National Guard), including an individual who served in a reserve component of the Armed Forces, and who was discharged or released therefrom, regardless of the conditions of such discharge or release.